THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.12895 of 2007

Date: 21.06.2007

Between:

PIC Committee.

....Petitioner

And

Govt of A.P. and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.12895 of 2007

O R D E R:

Malkapur Ghani Karmika Contract Co-operative Society, Malkapur, Ranga Reddy District was established, with an object of protecting the interests of mine workers. The term of the Managing Committee of the Society expired on 12.04.2004. Ever since, the authorities of the Co-operation Department have been appointing official or non-official persons-in-charge, from time to time. As of now, 12 sets of such appointments came to be made. The petitioner-Committee comprising of three persons, was appointed by the Deputy Registrar of Cooperative Societies, Vikarabad Division, Hyderabad, third respondent herein, vide proceedings, dated 12.02.2007, for a period of six months. Since the appointment was beyond the period of six months form the date of expiry of the term of the elected Committee, the third respondent submitted the same to the Government for its approval. The Government accorded approval through its orders in G.O.Ms.No.599, Agriculture and Cooperation Department,

dated 07.06.2007. While according approval, it appointed the Sub-Divisional Officer, 4th respondent also on the Committee. The petitioner challenges the same.

Learned counsel for the petitioner submits that once the third respondent has appointed the Committee of non-officials, it is not open to the first respondent to appoint an official i.e., 4th respondent, even before the expiry of the term.

Learned Government Pleader for Co-operation, on the other hand, submits that the appointment of the petitioner-Committee is intact and to ensure proper administration of the Society, 4th respondent was also folded into the Committee.

It is unfortunate that the concerned authorities did not choose to take steps to conduct elections for the Managing Committee of the Society, for the past three years. As many as 12 sets of persons-in-charge came to be appointed, from time to time. The very object of cooperative movement and democratic spirit is defeated, on account of such *ad hocism.* When elections could be held to various legislatures and local bodies, for all these years, it is not known as to what prevented the authorities concerned from holding elections for the Managing

Committee of the Society. The Society cannot be subjected to such a treatment any further.

Coming to the complaint of the petitioner, it needs to be observed that the appointment of the petitioner by the third respondent required ratification/approval, as provided for under sub-Section (3) of Section 32 of the A.P.Co-operative Societies Act, 1964. Appointment of a person-in-charge committee beyond the period of six months would become valid, if only it is approved by the Government. It was open to the Government, even to refuse to ratify the appointment of the petitioner. It is also to be noted before the appointment of the petitioner, a person-in-charge committee was administering the affairs of the Society. The first respondent has chosen to associate an official with the petitioner-committee. It is not opposed to the provisions of the A.P.Co-operative Societies Act, 1964 or the Rules made thereunder.

Hence, the Writ Petition is disposed of, observing that-

(a) the appointment of the 4th respondent as person-in-charge shall be in addition to and not in the place of the petitioner- Committee.

(b) the respondents shall take steps to conduct elections to the Managing Committee of the

Society by the end of August 2007 and under no circumstances, the persons-in-charge committee shall be appointed beyond that date.

There shall be no order as to costs.

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21.06.2007

JSU